

UNITED STATES DISTRICT COURT
DISTRICT OF DELAWARE

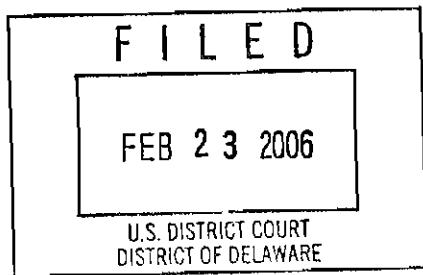
TERRI LEE MEYER
VS. Plaintiff

06-117

CIVIL ACTION NO:

The DEPARTMENT
OF Corrections
Paul Howard et.
al.

Defendant



UNITED STATES DISTRICT COURT
DISTRICT OF DELAWARE

Terri Lee Meyer

Plaintiff

VS.

DELAWARE DEPT. OF
CORRECTIONS, Stanley
Taylor in his individual
Capacity and official
Capacity as D.O.C.
Commissioner; Paul
Howard in his individual
and official
Capacity as
Chief of D.O.C.; Patrick
Ryan in his individual
Capacity and official
Capacity as Warden of
BWCI; George O'Conner
in his individual and
official Capacity as the
Law Library; WCI Super-
visor; Colleen Shotzberg-
er in her individual
and official capacity
as Treatment Services
Administrator; Capt. Repetti
in his individual and
official Capacity as a
Captain at BWCI, Shift Com.
Correctional Medical
SERVICES, Dr. Hooper
in his individual and official
Capacity as administrator
of CMS, Dr. Jacobson
in his individual and official

Civil action no. _____

Jury Trial Demanded

I. Jurisdiction

1. This Court has jurisdiction over plaintiff's claim pursuant to U.S.C. §§ 1331 and 1333(a)(3).

II. Venue

2. The District of Delaware is an appropriate venue under 28 U.S.C. § 1331(h)(2) because a substantial part of the events, omissions, and deprivations giving rise to the claims occurred in this district.

III. Parties

3. Parties listed on page 1, Stanely Taylor, Paul Howard, and Patrick Ryan, are responsible for operations and conditions at the D.J.B. Women's Correctional Institution, and are involved in policy and decision making. They are sued in their individual and official capacity.

Colleen Shotzberger is responsible for overseeing the Classification board at W.C.I.

She is involved in policy and decision making. She is being sued in her individual

and official capacity; George O'Conner is responsible for seeing the functions of the B.W.C.I Law Library, he is supervised by Colleen Shotzberger and Warden Ryan he is sued in his individual and official capacity; Capt. Repetti is a Captain at B.W.C.I. he is sued in his individual and official capacity; Dr. Jacobb (psych.) is contracted through CMS and his administrator Dr. Hooper, in their individual and official capacity. Correctional Medical Services is a medical agency contracted by B.W.C.I and is responsible for the medical needs of the inmates - they are at all times relevant to the events described herein, all of the defendants have acted under color of state law.

TERRI LEE MEYER has been an inmate at B.W.C.I since 3-15-97 she is the plaintiff.

Factual Allegations

Inmate TERRI LEE MEYER has been and is facing a substantial risk of serious harm.

Approx. 4 yrs. ago plaintiff was placed in the Law Library in the position of Law Library Clerk, and worked without any write-ups or incidents (other than hurting her back). This position is reserved for inmates who have earned the trust of administration. In June of Mackinnon Young, the supervisor at the time, transferred to O.C.C. The Plaintiff worked with Ms. DEBBIE Vandiver, the B.W.C.I. Activities Coordinator temporarily while the administration looked for someone to fill the position.

The plaintiff developed an excellent working relationship with her, and worked without write-ups or incident. Sometime in July 06 George O'Connor transferred from Probation and parole into the position.

Sometime in May 05, 7 other inmates and the plaintiff began drafting a U.S.C. 1983 Civil Rights Suit against the defendants as well as a few other WCI employees, to address numerous constitutional violations against the inmates--under the 1st, 4th, 5th, 8th, and 14th, amendments of the United States Constitution. The plaintiffs intended to ask the courts permission to certify it under class action, with Plaintiff Meyer the class representative. This was a nonfrivilous suit and addressed issues such as inmates housed in closets, and multi purpose rooms, and locked in for hours at a time without access to water or toilet facilities. They had a statement from a chronically ill patient who was forced to defecate in a trash can with 2 inmates standing in front of her with a small towel. Approx. 10 other inmates witnessed this incident. This was just one of many violations. Some of the violations were of a sexual nature, and retaliation for practicing 1st Amendment rights. It is very likely that the administration does not want these violations brought to the attention of the public and the courts.

When George O'Connor took over the BWC Law Library Plaintiff started to

notice → next page

"Strange" things happening, for example, a book that she was not permitted to have mysteriously appeared on her book shelves. Numerous incidents of this nature occurred. Mr. O'Conner became verbally and mentally abusive toward the plaintiff, and made false allegations against her. He baited the plaintiff by attempting to make her angry. For example, the plaintiff had 2 plants in the law library. Mr. O'Conner used a pair of scissors to cut them up. In addition, he made arbitrary rules for the plaintiff to follow. He made her leave early, and then complained when she became behind in her work.

His treatment of the inmates was deplorable, and amounted to denial of access to the courts, and cruel and unusual punishment. Inmates who needed to research cases were not permitted enough time to do so. O'Conner was in charge of allowing inmates to call their attorneys, and notarize documents. However he made them wait—sometimes for hours while he was on the internet or the phone. When the plaintiff informed him that inmates were waiting he became irate with her. Every time (without exception) he called 10 or 15 inmates to the law library he left . . . before they showed, leaving the plaintiff alone to help them. Frequently the inmates . . . became

angry or agitated with the Plaintiff because he wasn't there. Plaintiff was left alone without access to a phone or officer. Had a fight or other emergency occurred Plaintiff would have been helpless to do anything. The defendants were deliberately indifferent. They did not respond reasonably when Plaintiff made them aware of the situation. In Farmer 511 U.S. at 845 and Smith vs Arkansas Deot of corrections 103 F3rd 637 644 (8th Cir 1996) The Supreme Court has made clear that an inmate seeking a remedy for unsafe conditions does not have to await a tragic event before obtaining relief. The Plaintiff is not working in the Law Library at this time, but may be in the future if the court grants her injunctive relief. The Plaintiff realizes that Prisons can use a variety of methods to enable prisoners to file Criminal petitions and Civil rights lawsuits. The Court in Lewis vs Casev 518 U.S. 343 355 (1996) said the right of access to the courts requires officials to enable prisoners "to discover grievances and to litigate effectively once in court" as opposed to filing claims the prisoner already knows about. In addition on the orders of Shotzberger (he says) took (he O'Connor) the grievance manual and the policy manual. In a past court order, the court held that inmates are permitted to review any section that applies to them (can't remember case but will add to amended law suit) Inmates wanted to review these,

and many became hostile toward the plaintiff when she attempted to explain to them why they couldn't. The Plaintiff had to be careful what she said to them, or face retaliation. In addition O'Connor told the plaintiff to "not help the inmates so much".

O'Connor made the plaintiff's job almost impossible to do. The plaintiff was in fear everyday, which resulted in anxiety that precipitated gastrointestinal problems and severe headaches (worse than usual). The defendants knew that the Plaintiff was taking medication for depression, and that working under these conditions could cause her to relapse. It is well known that there's a connection between body and mind. The Plaintiff suffered physical injury because of the defendants' actions. Stress effects most every part of the body. Research has shown that stress effects the immune system leaving a host vulnerable to a variety of physical disorders. The plaintiff was going to work everyday (5 days a week) ill, and in discomfort.

Plaintiff attempted to work with O'Connor but she was not permitted to do her job. Instead, she was consistently accused by the defendants of breaking rules (Even though the inmates are not provided with rules). Some of the accusations were so ridiculous the Plaintiff was surprised that they were made by professionals. Plaintiff tried to work through the problems, but the defendants made it

*From the defendants

impossible to do so. O'Conner informed the Plaintiff that he did not have compassion for inmates - which standing alone is acceptable, but he allowed it to effect his job and his state of mind, constituting deliberate indifference toward the Plaintiff. Overtime these conditions caused Plaintiff to have migraine headaches on a daily basis, heart palpitations, insomnia, anxiety or increased depression, because she dreaded going to work. Most relevant though the Plaintiff was forced under the threat of termination to perform heavy Janitorial duties that was not allowed under a medical order. She provided a memo from the doctor, but it was intentionally ignored, showing the defendant's state of mind constituting deliberate indifference to the Plaintiff's mental health, and medical needs. She requested O'Conner speak with Shotzberger on several occasions, and ask her to provide the Law Library with a janitor; Shotzberger refused saying she wanted the Plaintiff to make it part of her duties. However, every other section of the institution with Clerks (inmate) had a Janitor, and this includes Shotzberger's Clerk, and the Law Library is the largest area. In Farmer v. Brennan 511 U.S. 825 (1994) the Supreme Court explained what deliberate indifference is in its 1994 decision - when he/she knows that inmates face a substantial risk of serious harm and disregards that risk by failing to take reasonable measures to abate it. O'Conner and Shotzberger knew the plain-

Plaintiff had a medical illness — they were provided with a copy of the memo and they disregarded both by forcing ^{her} to act as a Janitor. Even though she was hired as a Law Clerk, and physically unable to work as a Janitor.

On 1-24-06 at approx. 9:00 AM Warden Ryan was informed by CIO Mast (unit officer) that the plaintiff's room had been left "messy." It is not procedure to call the warden OVER a messy room. Mast called the Law Library and told the plaintiff to return to the unit. When she returned the warden ^{* and Capt. Repetti} was there. He yelled at the plaintiff (while in an Outrage), that if * She couldn't keep her room straightened up, he would move her off the honor Pod. The plaintiff had around 12 plants sitting in the corner next to the window. When plaintiff moved to Unit #3 many of the inmates were growing potted plants, and plaintiff was informed by the officers that it was okay. Plaintiff had been growing her plants for over 4 years. Practically everyone (staff) in the institution, including the warden saw them. Some of the staff asked for cuttings and the

plaintiff started hers with ^{cutting} that were given to her by staff. Everyone was aware of the plaintiff's attachment to the plants, and that she was proud of them, and spent hours taking care of them. The warden screamed at the plaintiff "who authorized you to have the plants?" When the plaintiff tried to answer him, he told her to "stop arguing with him." Then the warden ordered the officers to destroy "those weeds" * and Capt. Repetti was in concert with him we had until 10:00 am to clean

Her plants were hauled away on a cart and Plaintiff never saw them again. She was emotionally devastated, but did not disrespect the Warden in any form. This cruel act toward the Plaintiff constitutes deliberate indifference and though the plants would not fall under a "basic need" they had become an important part of the Plaintiff's life. This act violated Plaintiff's rights under the First Amendment because it was in retaliation for putting together a law suit. It was also intended to "scare" the defendant into not following through. This awful act also violated the Plaintiff's rights under the 8th Amendment - Cruel and unusual punishment. Warden Ryan and Cpt. Repetti knew that this act would devastate the Plaintiff; but they did it anyway. The defendants knew that the best way to hurt her was to destroy her plants. It was as devastating to her if they had destroyed a beloved pet.

On 1-18-06 The Plaintiff was called from

work to the Treatment Services office by Counselor Nick (unknown last name) When she arrived Jack Stein from D.O.C. Internal Affairs was seated in Nick's office. Mr. Stein had a hand written printed letter. He held it out and said "you wrote this". He claimed he was a hand writing expert and could tell it was ~~not~~ her writing. She knew nothing about the letter, and told him so. He continued to accuse her, and a meeting became an interrogation. Finally, she asked to see the letter. The hand writing did not even resemble hers. Then she read the letter and it contained an accusation of inappropriate behavior between a teacher and an inmate (who was her friend) of mine. * particularly numbers, but they

She once again told Mr. Stein it was not her letter, and she would never write an anonymous letter because if she has something to say she does not have a problem saying it. In addition, she told him that she works in the same area, and never saw at any time inappropriate behavior. She had an idea who may have written the letter, so she gave them the name. He seemed satisfied and dismissed her. Later she was told by a admin. staff that Warden Ryan was "convinced she wrote it and was angry. DeSalvo (therapist) had a meeting with Shotzberger to address these problems". She asked her why her name was given to Internal Affairs. She claimed that all of the inmate Educ. Workers were interviewed. This was not true. The best to her knowledge only 2 inmates were interviewed and the name given to them. Shotzberger also told (1) my job was not in jeopardy (2) almost everything she hears about me is good. (3) I would never be moved (4) I'm a role model inmate. My counselor (DeSalvo) heard the conversation in its entirety. Many out of the things were happening to and knew in trouble this is a common practice at BWI. managed to walk a straight line which was stressful in itself. could not figure out who was harassing me and why. and soon began thinking I was paranoid. told my counselor. It turns out that all of the things I was suspicious about, were truly happening. BWI breeds paranoia because the inmates do not have rights. At anytime something may take place that blatantly and cruelly violates them. My job in the Law Library was fine

Until ~~he~~ began teaching the inmates their rights under the Delaware Constitution and U.S. Constitution and what to do when they're violated. ~~I~~ stressed exhausting administrative remedies; but the inmates here are not permitted to "complain". I made suggestions to them on how they might fill that requirement under the P.L.R.A. Inmates at B.W.C.I. are retaliated against for filing claims. If the threats of retaliation were removed the inmates will come forward. Warden Ryan "punishes those who "complain"

On 1-25-06 the plaintiff was logged out of unit 3 to go to work. O'Connor was already there, locked in his office, and talking on the phone. At approx. 8:50 AM O'Connor came out of his office and told the plaintiff that he had an emergency and she should return to her unit. It was a few minutes or so before 10:00 AM code red "no movement". By the time the Plaintiff shut down her computer, and put books on the shelf she was caught in count. O'Connor was leaving so the Plaintiff asked him if she could wait in the computer lab as opposed to the hallway. Plaintiff had permission from the teacher Amy Haywood. He approved the request. When code cleared at 10:30 AM, Plaintiff immediately went straight back to her unit. She was logged out of unit 3 at 8:30 the next morning. On 1-26-06, O'Connor and Plaintiff arrived at the Law Library entrance at the same time—approximately 8:45 AM they entered and right away before he had a chance to see it, he asked why the Plaintiff's computer was on. She said that she ~~thought~~ that she had shut it down the day before, but perhaps because she was in a hurry to get out of the building before code red she had not completely

shut it down. No one was logged on. O'Connor asked the plaintiff if she had returned to the law library the day before after he had told her to go back to her unit. She told him that would have been impossible because the door was locked. Then he said -- "may be an officer had let her in. She responded that no officer would have done that without authorization. In addition, plaintiff asked him to call her unit and check the in/out times. He didn't call so she thought the issue was moot. Approx. 1 hour later O'Connor left, and stayed gone approximately one half hour. When he returned he said, that he wanted to know what officer had let her in the law library. Once again, the plaintiff told him that she was not in the law library after he told her to return to her unit. He stated, -- that's not what the warden told him, and the warden (RYAN) knew which officer let her in. Once again, Plaintiff requested that he call Unit 3 to verify in/out times. O'Connor refused. Then he became irate and said "I'm tired of your bullshit - go back to your unit for the day." When plaintiff returned to Unit 3, she explained to the unit officer C/O GREER what had taken place, and asked her to check her times. They were on 1-25-06 in at 10:35 am, and not out again until the next day 1-26-06 at 8:30 AM. In addition, the plaintiff was called in and out, and she was viewed. (seen) and videotaped by control. If Warden Ryan truly believes that the plaintiff was in the law library at the times in question, then he should evaluate his security system (of the institution) because it must have failed on that day. However, he knew she wasn't there.

At 3:45 PM, the same day the Plaintiff was

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and when she was called in it was to see the Psychiatrist Dr Jacob B (psych) HE asked the Plaintiff if she knew why she was there. When she said no, he told her that the Warden asked him to see her. He then asked her why she had refused the medication he had ordered for her. ^{about 1 mo before} She responded that she had asked only for something for her insomnia, and the medication he gave her was for psychosis. He asked her how she knew that, and she told him she had looked it up in the P.D.R. HE SEEMED ANGRY. And began drilling her about medications. HE asked her what type of drug bupropion is and she answered that it's a Serotonin Reuptake inhibitor. He became angrier because she knew the answer. Then he asked again why she wasn't taking the medication, so the Plaintiff attempted to explain to him that she would not take something she did not need* that she was not psychotic. HE dismissed her. On the way out she observed him picking up the phone. Plaintiff decided to stop and weigh herself on her way out. She overheard him talking on the phone and heard him say: ... that "Meyer's will not take the medication, and that she was uncooperative." Plaintiff thinks it was either Ryan or shot 268 & RQE RHE was talking to her way back to Unit 3 Plaintiff stopped at the dining hall to eat, then returned to the unit. (3) *-1-physicians DESK REFERENCE

The Plaintiff asked for Trazadol Temporarily to help her sleep - he refused

approx. 1 half hour later Mr. Kenny came to her room and said that "they" had her as a priority move to Unit 6 - The mental health unit. He stated that he didn't know why. Two officers (Following orders) confiscated most of the Plaintiff's property, and she was left with only the basics. A list of those items are on a slip enclosed with this Complaint. All of the Plaintiff's art work and writing WERE confiscated and her law books as well as other numerous items. Plaintiff was transferred to unit 6 with the Plaintiff's full cooperation and without incident. The next day on 1-27-06 O'Conner called unit 6 and left a message with the officer that Plaintiff should return all Law Library property and he would come to the unit to pick it up. O'Conner showed up later that day. Plaintiff then informed him that most of her property had been confiscated and that she did not have any of the property with her. However, Plaintiff later was informed she had a class 1 disciplinary for having law books in her possession. Plaintiff has a memo signed by O'Conner that allows her to have 5^{law} books at a time - but she was not in possession of any books they would have been in the Plaintiff's confiscated possessions. As to what she had, Plaintiff had 2 C.J.S. on Constitutional law, 1 Federal sentencing guidelines, 1 Civil Rules and Procedures, and one dictionary. Other than the dictionary the books WERE outdated, and the new books shelved. Plaintiff was going to throw them in the trash but decided to look at them

* Enclosed in a classification sheet dated the day after the hearing was moved. 15 see back-

Plaintiff was also informed that she was terminated from her job because she was in the law library without authorization. When she attempted to defend her position, he said,

"The warden said you did it, and that's all the evidence I need." I was floored. They said she did this, and that was the end of it. No due process.

before she did. Plaintiff did not take over what her memo permitted, but the defendants are attempting to alter the situation to make it appear that she did. Plaintiff has not received paperwork on this allegation. However if plaintiff does go to the disciplinary officer, he will be one of the chief defendants on the original law suit. It would not help to request another officer, because through experience she knows it would not happen. Plaintiff has been told that she is not allowed to do any legal work. On 2-10-06 Plaintiff's room-mate "snitched" that she was doing legal work. O'Connor ^{and Cast. Repetti} came to the Plaintiff's room with an officer and "shook it down". They did not find anything. The defendants are so fearful that the plaintiff will file a law suit and expose them that they have shut her computer down (in the Law library) and no one is permitted to use it. They fear that the plaintiff will have someone download her legal work and smuggle it to her, and they know she is a computer operator, and is very good with computers. The prisoners at B.W.C.I are treated like P.D.W.s, with no rights. The Warden allows them to be treated poorly and then retaliates when one complains. The violations the plaintiff has endured are being implemented by the defendants to keep her from filing a law suit, that will divulge violations that Warden Ryan would rather officials, and the public not know about. Warden Ryan has attempted

to convince others that the Plaintiff is "crazy", to justify taking her off her job, and placing her in the Mental Health Unit. Nothing could be further from the truth. The defendant's want the Plaintiff somewhere she can be "watched" so she can't draft a lawsuit. This type of manipulation is common at B.W.C.I. The warden becomes enraged if an inmate makes a complaint outside of the institution, whether it be a letter, a phone call, or a lawsuit. The mental torture the defendant has been forced to endure over the past year would shock any rational person. Ryan and Shatzberger go to great lengths to hide the violations at B.W.C.I.

The defendants, particularly Warden Ryan, has stripped the Plaintiff of all of her rights and privileges in a horrific, and deplorable way. The Plaintiff is in fear for her safety. Two other inmates, Jan White and Sheryl Luft, also plaintiffs in the lawsuit,^{*} and are a threat to the warden because of their intelligence and willingness to stand up for what's right. They were both transferred to Unit 8 - the disciplinary unit. The Plaintiff does not know what took place in their cases but there is a strong likelihood that it's retaliation. She can't talk to them.

In a 1987 Supreme Court decision, Turner vs. Safely the Court held that in order to place a limitation on a civil liberty it must be "reasonably related to penological interests. Four factors are used to apply the "Turner Test" 1- IF there is a valid, rational, connection between the deprivation

* on Internal affairs -7-

* 1- original law suit

and the officials justification for it. 2- IF there is ^{another} way for the inmate to exercise the Civil liberties
3- The effect of exercising the Civil liberty has on prison operations and other inmates 4- Whether there is a different way for officials to achieve their goal that allows the inmate to practice her Civil Liberties.

However, the Turner test applies to cases where there needs to be a balance between interest of the officials, and the Constitutional rights of the inmates. In this case the balance leans to the side of the defendants, and the Plaintiff's Civil rights have been illegally and profoundly denied as a way — to punish, Retaliate, and scare the Plaintiff into not "airing" BWCIS dirty laundry."

No rational person, or trier of the fact could determine that the Plaintiff went from a role model inmate, Law Library Clerk (for 4 years) - housed in the "honor" pod for the past 5 years, and then for no reason she is placed in the Mental Health Unit in 3 days* The false accusation that got the ball rolling, was unconstitutional in itself. Before the violations,

the Plaintiff was not given notice of any of the deprivations and due process was not even a consideration, as far as the defendants were concerned. Plaintiff and her counselor met with Shotzberger, and she told them that all was fine and there were no problems. The Plaintiff did not have any

* all of the deprivations took place with -18-

recent write-up or any disciplinary. There were no problems other than the difficulties the plaintiff was having working with O'Connor. Warden Ryan and Colleen Shotzberger decided that the plaintiff was complaining too much, and due to the impending Lawsuit, and the letter the Warden was convinced she wrote (although she didn't) made her a "trouble-maker" who had to be dealt with immediately and swiftly. The plaintiff is ~~known to~~ if the defendants are aware that inmates have a right to complain and file Lawsuits under the First Amendment. If the defendants had nothing to hide, they would not find it necessary to try to keep the plaintiff quiet. If the defendants thought that taking her job, lawbooks, and forbidding her to do legal work would keep the plaintiff from filing a Lawsuit, they greatly underestimated her.

* Had plaintiff written it, she was under the U.S. Constitution and the defendants would not have the right to penalize her. Therefore, had she written it she would have said so.

Conclusion

The First amendment prohibits prison official from retaliating against inmates and preventing them from petitioning the Court. Crawford-El v. Britton 523 U.S. 544 1588 No. 10 (1998).

What the defendants have done in this case is strip the plaintiff of her most fundamental rights, to cover up their wrong-doings, thus serving their own self-interests. The defendants, with profound deliberate indifference, did not take in to consideration, what the effects on the plaintiff would be. The plaintiff has studied many cases on the rights of inmates, and can state with assurance, that her own case is the worse she has ever seen regarding the 1st amendment. What the defendants are doing is heinous. To take advantage of the vulnerability of an inmate, who is in their custody, and may have difficulty finding someone to protect her best interests, is not just illegal but is unethical and a horrible example of a prison official who is paid to protect others. The corruption among the defendants must be exposed to the public and the courts, and halted.

To abridge the plaintiff's Constitutional rights the defendants have-

1. Transferred her from minimum security honor pod (with a single room) to a maximum security Mental Health Unit, and housed with

Supplement to the
Complaint "Conclusion"

It's obvious the defendants orchestrated a close to plausible defence. The Plaintiff regrets that she did not have the time or the research material to draft this complaint. The defendants reasoning is extremely predictable. They will more than likely say that the plaintiff was mentally ill, but she was not aware of it because of the nature of the illness. They will say, "She was paranoid." The plaintiff complained about the arbitrary actions of others, and out of the norm and unexplainable events. She "thought" that perhaps she was becoming paranoid because of the negative actions of others. She expressed these feelings to Mr. DeSalvo her therapist, and defendant Jacob, because she became concerned.

The defendants, Ryan and Shatzberger took her job because of the lawsuit, and took her housing and every thinK else to punish her, and to isolate her. The plaintiff (before this took place)

Knew that something was wrong, but did not think that the defendant's were aware of her law-suit.

The defendants Knew that it would not be wise to take everything from her without a reason, because they Knew she would litigate, and most likely win her case.

Because the Plaintiff is being treated for depression with Wellbutrin, and Effexor, it gave them reason to play the mental illness card. They most likely thought that ~~she would~~ ^{she would} refuse to go, and then they would have an excuse to place her in isolation. The day DeSalvo and the Plaintiff met with defendant Shotzberger to discuss accusations the defendant was making she said "after all I haven't sent you to the M.H.U." This was made in a joking manner. Plaintiff responded, "Good, because I wouldn't go". Then she - (Shotzberger) said, "I would never do that to you (1 week before she did). The Plaintiff was puzzled that the topic came up, but then forgot

about it.

IF that didn't happen, (isolation) they will say that she was so stressed out she had a nervous breakdown, then they thought maybe she should become so devastated by their actions, that she would break down, and would not be capable or be too fearful to fight back. IF that happened they could explain, "She's so mentally ill, and we had to do this, after all she has a history of mental illness and she takes psychotropic drugs, and we had to take her property because we were concerned that she would hurt herself, and of course we won't allow her to do legal work, or have her books, or her job - we don't want her to be placed under more stress. We did all of these things to help and protect her." These are conjectures, but the plaintiff has been at BWCF for 9 years, and she knows their M.O.'s

The plaintiff can present to the Court extensive evidence, and bring

Forth numerous (100's) witnesses, from B.W.C.I administration, officers, Teachers and inmates to testify that there was nothing wrong with the plaintiff. In addition she can call Penny Chellucci, the president of the Mental Health Coalition, who stays in contact with her, ^{to testify} that there was no evidence that the plaintiff was having problems.

Defendants Shotzberger and Ryan arranged an appointment with Dr. Jacobb to see the plaintiff. Dr. Jacobb attempted to make her angry. Regardless of what took place during that visit, Dr. Jacobb was going to recommend or suggest the M.H.U. It's difficult to imagine that jail officials are this evil. They have done similar acts against other inmates for "complaining" outside of B.W.C.I. This is a seriously dysfunctional prison.

The bottom line is, the defendants orchestrated this entire scenario to keep the plaintiff quiet. Please don't believe their lies.

Terri Myers
Plaintiff

3/13/06

Supp.-4

in a small cell with a thief who stole the few possessions the Plaintiff had left.

- 2- Terminated Plaintiff from her job (that she has held for the past 4 years) based on a false accusation* Many of the inmates depended on the Plaintiff for help so it was not only the Plaintiff that was effected, but the inmate population.
- 3- Confiscated all of the Plaintiff's documents (legal) from the Law library including her legal and school work on her hard drive, and a copy of the class action suit she was drafting. The defendants have refused to return any of these documents.
- 4- Confiscated most of the Plaintiff's property including books she needed for school, and new property that was sent to her and approved, and books that were approved (list enclosed) and had great value to her.
5. Made threats that, if she does not start doing things differently" (meaning not complaining) she may have great difficulty when she goes to work release, and her level 4 may be violated.
6. Warden Ryan has barred the Plaintiff from the Law Library indefinitely.
7. Warden Ryan destroyed Plaintiff's personal property that she was permitted to have and _____ he knew was important to her, without due process or notice of deprivation in a cruel and unusual manner.
8. Plaintiff has not _____ received mail for the past 3 weeks, so it appears that it is being confiscated. Likewise, the Plaintiff highly suspects her mail is not going out. her phone access is not functioning.

*That the defendants made.

Plaintiff is aware that a few of these actions the defendants took standing alone may not violate the U.S. Constitution—Nonetheless these violations are Constitutional torts because of the damage they have done to the plaintiff, physically and mentally, and because the actions taken against her for practicing her 1st amendment rights are not legal and unconstitutional. See Pratt vs Rowland 65 F.3rd 802, 806-807 (9th Cir 1995) See also Rouse vs. Benson 193 F.3rd 936, 939 (8th Cir. 1999)

The plaintiff is in fear for her safety because of the extent the defendants have gone to, in order to prevent her from filing her lawsuit. It's frightening to imagine what they may do next. As mentioned earlier the severe stress of this situation is causing her numerous problems including difficulty eating, weight loss, insomnia, gastrointestinal problems, headaches that are significantly worse than usual, and tremors. There's a good likelihood that the plaintiff because she is already being treated for depression will develop a post traumatic stress disorder which even with treatment can last a lifetime. P.T.S.D. and depression will significantly effect her physical and emotional health, and will alter her life profoundly. Research has shown that stress, over a long period of time can have a devastating effect on an individual's health and well-being.

It seems to the plaintiff that if she was mentally ill-like the defendants want others to believe, and needed care so badly that she was immediately rushed to the mental health unit, it would be extremely difficult to sit down and draft this lawsuit, without forms, cases, or any legal books or material. However, as the plaintiff stated earlier she is not mentally ill, or a disciplinary problem, she's in the mental health unit so that the defendants can control her, and keep her from exposing them from their wrong-doings.

Prayer for Relief

Therefore, the plaintiff respectfully requests that this honorable court protect her constitutional rights by granting the following:

1. punitive damages (exemplary)
2. nominal damages
3. injunctive relief
4. compensatory for the awfulness of the defendants conduct.

2-13-06

Date

Lei Tee Meyer
Plaintiff

From: Terry Meyer
600 Baylors Blvd
New Castle,
Delaware 19720



U.S. MAIL

FIRST CLASS

To: United States District Court
Caleb Boggs Federal Bldg.
844 N. King Street
Wilmington, DE 19801



From: Terry Meyer
6000 Baylor Blvd
New Castle,
Delaware 19720

*5000
5000
5000
5000*

First Class

To: United States District Court
Caleb Boggs Federal Bldg.
844 N. King Street
Wilmington, DE 19801



These documents
are submitted to
Show my recent
State
of mind

PUBLIC DEFENDER OF THE STATE OF DELAWARE
ELBERT N. CARVEL STATE OFFICE BUILDING
820 NORTH FRENCH STREET, THIRD FLOOR
P.O. BOX 8911
WILMINGTON, DELAWARE 19801

LAWRENCE M. SULLIVAN
PUBLIC DEFENDER

T. ANDREW ROSEN
ASSISTANT PUBLIC DEFENDER

ANGELO FALASCA
CHIEF DEPUTY

TELEPHONE
(302) 577-5128

November 18, 2005

06-117

Terri Meyer
SBI# 00371169
WCI
N-440
660 Baylor Blvd.
New Castle, DE 19720

Ms. Meyer,

I did receive your message and was able to keep you from being transported down to Dover for nothing.

I believe that you made a sound decision based on the information we had at our disposal. I have never seen a successfully Pardon board hearing with both the prison and parole board submitting negative reports. Fortunately, you don't have too much time remaining until your release date. I would suggest that you continue to use that time to prepare yourself for succeeding upon your release. Too often programming pursued for the purpose of getting out, and the goal of making sure you can stay out is missed.

Good luck!

Yours,

T. Andrew Rosen, Esq.

**BEFORE THE BOARD OF PARDONS
IN AND FOR THE STATE OF DELAWARE**

IN THE MATTER OF:TERRI LEE MEYER

APPLICATION FOR COMMUTATION

COMES NOW, the petitioner, Terri Meyer, and through her counsel, T. Andrew Rosen, respectfully requests that this Honorable Board recommend a Commutation pursuant to Article 7, Section 1 of the Delaware Constitution. By this Petition, Ms. Meyer requests the Board of Pardons to recommend to the Governor to grant her a Commutation of her sentence for Murder 2nd degree and Possession of a deadly weapon during commission of a felony.

In support of this Petition and application, the petitioner represents to the Board and the Governor as follows:

1. This application does involve a crime subject to Rule 9 of the Rules of the Board of Pardons, and therefore does require a psychiatric and/or psychological procedure.
2. A certified copy of the Court records of the Superior Court showing the sentence imposed is attached hereto as Exhibit A. (See Attached Exhibit A)

PUBLIC DEFENDER OF THE STATE OF DELAWARE
ELBERT N. CARVEL STATE OFFICE BUILDING
820 NORTH FRENCH STREET, THIRD FLOOR
P.O. BOX 8911
WILMINGTON, DELAWARE 19801

December 15, 2003

Stan Taylor
Commissioner of Corrections
245 McKee Road
Dover, DE 19904

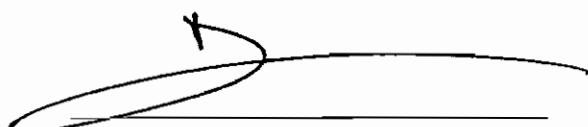
Re: Notice of Petition to the Board of Pardons

Commissioner Taylor,

Please be advised that Terri Lee Meyer is presenting a petition to the Board of Pardons for a Commutation of Sentence at the next available date and time. The hearing will be held in Courtroom 1 of Kent County Superior Court, 38 The Green in Dover, Delaware.

Ms. Meyer was born on 6/27/56, and was convicted of Murder 2nd degree and Possession of a deadly weapon during commission of a felony.

Ms. Meyer is applying to the Board of Pardons because he has addressed the issues that resulted in her conviction and incarceration, and is ready to return to society as a productive member.



T. Andrew Rosen, Esq.
Office of the Public Defender
Carvel State Office Bldg.
820 N. French Street
P.O. Box 8911, Box C-500
Wilmington, DE 19801

Terri Lee Meyer

REASONS FOR APPLYING FOR COMMUTATION

To guide me in my rehabilitation and to help me with the problems that led to my offense I have participated in a variety of programs. The program that helped me the most was the **Alternatives to Violence Program** where I worked on anger management and communication problems. I found that sometimes I have difficulty communicating with others because of the way I say things, or because of my body language. With the support of this program I have become better at thinking before speaking and being aware of how my body language might be interpreted by others. Although I learned numerous things in this program the most helpful skill I learned was how to use "I feel" statements to communicate with others when I need to express how I feel. In addition to this I was afforded the opportunity to learn skills in conflict resolution. I discovered that essentially every conflict has a peaceful resolution if I am willing to work at it rather than just react. In the past my reactions were automatic. They occurred in response to certain situations and things that happened that I thought were not my fault or responsibility. I thought it was always the fault of the situation, which caused me to blame everyone and everything around me for my problems. In AVP I was able to work on the root causes of my reactions and anger, and recognize what is in my control and what is not. I have come to realize that I am the main source of the problems in my life and the only one who makes the decision to be angry. I now see that I have a choice in how I am going to react.

Terri Lee Meyer

I also attended the **Advanced Alternatives to Violence** program. In the Advanced Program I worked on assertiveness, expressing feelings, beliefs, and preferences in a way that is direct, honest, appropriate, and shows regard for my rights as well as the rights and feelings of others. Moreover, being respectful even when I do not get what I want, and being willing to negotiate. I worked on being considerate and in control and contending with difficulties with my feelings rather than letting them control me. I acquired skills in how to deal with other's anger by using non-threatening gestures, listening to the other person, showing empathy, trying to solve the problem, and realizing that it was my actions, not me as a person who caused the other person to get angry.

I participated in the **Delaware Mentor Program -- Pre Release Program** where I was able to look at boundary issues. Through role playing I learned that my boundaries with others were often blurred and enmeshed, and that I frequently crossed the boundaries of others. By acting out everyday situations with safe people I was able to practice "letting go" of others, to respect others' boundaries and to develop sound boundaries for myself. More important I was able to observe what is healthy and what is not healthy in a relationship, and how to recognize the signs of a dysfunctional relationship. PRC provided a variety of speakers and mentors from the community who talked about numerous life skill issues, but the topics that helped me the most were, domestic violence, codependency and how to cope with past abuse. I learned that I carry excessive emotional baggage from past abuses, and I am working toward unloading this baggage. I am making progress in this area by my willingness to work on myself and my problems by taking charge of my life, and

Terri Lee Meyer

striving to becoming a dependable and honest person who is learning to understand and communicate with others.

I have participated in several mental health groups. The group that I acquired the most from was the **Self Awareness Group**. In addition to working on issues in a group I was able to spend time with the therapist one-on-one who helped me to be more open with my problems. The main advantage of group therapy was I learned how to take care of my emotional well-being by listening to my peers and their experiences with recovery. I discovered that I am not alone in my problems. I found that developing a healthy relationship with myself will help me to avoid becoming emotionally involved or enmeshed in the problems of others. I am working on developing a better self-image and identity, and I am endeavoring toward improving my social behaviors and beliefs as well as setting realistic goals. Moreover, I am in the process of evaluating and organizing my life by journaling, taking personal inventory, and exploring transforming lifestyle choices. This has helped me to examine the issues that led to my incarceration so that I will not repeat the same mistakes.

In addition to the therapist I spent time in therapy with Dr. Kho. who worked with me on self-esteem issues and interpersonal problems. I was having difficulty with ultrasensitivity and tolerance with other's behaviors toward me. As peculiar as it might sound the most valuable lesson Dr. Kho taught me was "sticks and stones" Now when someone says something detrimental to me or about me I say to myself

Terri Lee Meyer

"sticks and stones" and I am better able to let it go of the situation. In the past I was extra sensitive towards those around me, and had a difficult time accepting criticism. Dr. Kho helped me to see that there will always be people around me who will say things that are critical or things that I disagree with. Learning to live with differences is vital to my emotional well being, and continued recovery.

Ms. Sharlene Hudson my counselor also helped me explore my anger and relationships with others. She helped me to see that I have a tendency to internalize things and that when I am angry with someone my way of "waging war" with that person is to withdraw and isolate myself from them. She showed me how this could be an unhealthy reaction to my anger. Foremost she helped me to see when it is healthy to retreat and set firm boundaries, and when it is appropriate to attempt to work out the problem. Resentment and holding in my feelings is a luxury I cannot afford if I want to continue in my recovery and live an emotionally accountable life.

I have remained free of substances for 7 years. I achieved this with the support of the groups, meditation, relaxation exercises, physical exercise, and working on developing a healthier self image. I have learned through my groups, my peers who have been successful with sobriety, and by studying my AA literature the consequences of my substance abuse, and how I have hurt others with my addiction. I work the 12 steps of AA and I have attempted (when possible) to make amends to the people in my life whom I have hurt. I realize that my recovery is something I must work on for the rest of my life if I am to remain clean and sober, and that it is the first drink or drug that will cause me to relapse. I have had to let go

Terri Lee Meyer

of many of my old destructive ideas and learn how to enjoy life without being "high." Looking at myself honestly made clear the powerlessness and unmanageability in my life, and I have had to look at new ways to cope with life different from my old ones. I recognize that I have to keep my sobriety independent of everything else in my life, and keep it first no matter what. It does not matter how good of a job I have, or how others treat me, or how my life is going in general. I have to keep my sobriety first and foremost. When I am released I plan to continue working the AA program by attending meetings, finding a sponsor, continuing to work the 12 steps and not using any addictive substances one day at a time.

I have completed other programs aside from the ones I mentioned including, **Life Skills, Anger Management, Drug Education and Intervention, Addiction Education, General Mental Health group, Inner Healing Seminar, Sexual Abuse group, Inside Out Program, HIV/AIDS Education, and Long Timer's group.** In addition, I have participated in a variety of **spiritual growth programs.** I received something from each and every one of these programs and took something positive with me from every program. The most valuable thing I learned from all of these programs was to respect myself, expect respect, and respect the rights of others.

Despite my rehabilitation, I do not take my offense lightly. I fully understand the seriousness and implications of taking the life of another human being. I am extremely remorseful about the pain the family has suffered. I know that I have tragically changed their lives forever. I cannot change what happened but if I could go back before the offense occurred, I would have found a way to leave the

Terri Lee Meyer

relationship long before it escalated to the extent it did. I have learned a very distressing lesson unfortunately at the expense of the victim's life, and the expense of her friends' and family's life.



STATE OF DELAWARE
DEPARTMENT OF CORRECTION
DELORES J. BAYLOR WOMEN'S CORRECTIONAL INSTITUTION
660 BAYLOR BOULEVARD
NEW CASTLE, DELAWARE 19720

August 13, 2004

Board of Pardons
State of Delaware

On this occasion, I am writing to you regarding Inmate Terri Lee Meyer, SBI Number 00371169, currently incarcerated at this institution serving a twelve year Level V sentence for conviction of Murder 2nd Degree and Possession of a Deadly Weapons during the Commission of a Felony.

Since her selection as Law Library Clerk in May 2002, I have supervised Ms. Meyer on a daily basis. Her duties include assisting Inmates in a broad range of both criminal and civil law matters that include pretrial, trial and post-conviction litigation. Her performance in this capacity has been notable. She has learned a great deal and continues to expand her knowledge of the complexities of both the State and federal judicial systems. Her efforts are especially commendable in assisting inmates that suffer from learning disabilities.

Thank you for this opportunity to address the Board.

A handwritten signature in black ink, appearing to read "Mackinnon G. Young".

Mackinnon G. Young
Paralegal II
Law Librarian

MEMORANDUM

TO: WHOM IT MAY CONCERN
FROM: GEORGE O'CONNOR
SUBJECT: LAW LIBRARY DOCUMENTS
DATE: 10/20/2005

This is to certify that inmate Terri Meyer, SBI# 00371169, Unit 3; B-Pod is authorized to have Law Library materials in her possession while employed as the Law Library Clerk. Lists of those publications currently in her possession are contained in files of the Law Library. This is limited to (5) documents/publications at a time.

This authorization is good for six months from date of issue unless withdraw sooner.

George O'Connor



Law Library Paralegal

October 20, 2005

BWCI MDT CLASSIFICATION

NAME: Tenni Meyer HOUSING UNIT: 3 DATE: 11-3-05 SBI: 371169

ON THE ABOVE DATE THE MDT CONSIDERED YOU FOR: INITIAL REVIEW

PROGRAMMING, EDUCATION, EMPLOYMENT:

LIFE SKILLS COMPUTER CLASS (WORD, EXCEL, POWERPOINT, TYPING) ACADEMICS (GED/HIGH SCHOOL) COLLEGE COURSES
 ALCOHOLICS ANON (AA) ALTERNATIVES TO VIOLENCE (AVP) DACOA DEIP DEL MENTOR PROGRAM (PRC)
 THRESHOLDS PARENTING REACH BIG BROTHERS/SISTERS READ ALOUD PARENTS ANON. GIRL SCOUTS
 MENTAL HEALTH: Counseling or Groups (specify) _____ MISC. PROGRAMMING: _____

KEY VILLAGE PROGRAM ADMIN WORKER KITCHEN OTHER EMPLOYMENT (SPECIFY): has library, Alex K.

HOUSING UNIT:

UNIT 7 - Pre-Trial UNIT 8 - Maximum UNIT 5 - Medium UNIT 9 - Medium

UNIT 6 -The Harbor : KEY Village (Unit 4) : UNIT 3 (A & D Pods) - Minimum

Medium Minimum Medium Minimum

UNIT 3 (B Pod) - Honor Pod (Minimum) *UNIT 3 (C Pod) - Honor Pod (Minimum)*

COMMUNITY CORRECTIONS:

WORK RELEASE : Plummer Sussex MCC WORK RELEASE WITH CREST IWA BUILDING WORKER

New Castle County Work Release Center

OTHER:

THIS SENTENCE MODIFICATION PRE-PAROLE CONSIDERATION PARDONS BOARD BOOT CAMP

THE MOT DECISION IS TO:

Approve Not Approve Recommend Approval Not Recommend Approval
 Defer No Action No Objection (LV 4 or Detentioner) Objection (LV4 or Det.)

VOTE: 4 — 0

REASON:

- Serious nature of your offense
- Your unsatisfactory/questionable institutional adjustment
- Your lack of program participation
- Your prior failure under supervision
- The lack of evidence that you have addressed your problems in a serious, mature manner.
- The time remaining on your sentence
- You are not eligible due to policy/statute
- This does not meet your program needs at this time
- Your need for gradual phasing
- You are already employed in one institution job.
- Other

11
105 06 07 29t
105 12 07 16wr
105 06 07 end of 06
sum 8-29-07

REMARKS: Lead apprentice - computers


Cc: Records MDT CHAIRPERSON

WARDEN/BCC CHAIRPERSON

BWCI MDT CLASSIFICATIONNAME: Terri MeyerHOUSING UNIT: U6DATE: 01/27/06SBI: 371169ON THE ABOVE DATE THE MDT CONSIDERED YOU FOR: INITIAL REVIEWPROGRAMMING, EDUCATION, EMPLOYMENT:

LIFE SKILLS COMPUTER CLASS (WORD, EXCEL, POWERPOINT, TYPING) ACADEMICS (GED/HIGH SCHOOL) COLLEGE COURSES
 ALCOHOLICS ANON (AA) ALTERNATIVES TO VIOLENCE (AVP) DACOA DEIP DEL MENTOR PROGRAM (PRC)
 THRESHOLDS PARENTING REACH BIG BROTHERS/SISTERS READ ALOUD PARENTS ANON. GIRL SCOUTS
 MENTAL HEALTH: Counseling or Groups (specify) _____ MISC. PROGRAMMING: _____

KEY VILLAGE PROGRAM ADMIN WORKER KITCHEN OTHER EMPLOYMENT (SPECIFY): Resend Law Library (Paro Coll.)

HOUSING UNIT:

UNIT 7 - Pre-Trial UNIT 8 - Maximum UNIT 5 - Medium UNIT 9 - Medium
 UNIT 6 - The Harbor : KEY Village (Unit 4) : UNIT 3 (A & D Pods) - Minimum
 Medium Minimum Medium Minimum
 UNIT 3 (B Pod) - Honor Pod (Minimum) UNIT 3 (C Pod) - Honor Pod (Minimum)

COMMUNITY CORRECTIONS:

WORK RELEASE : Plummer Sussex MCC WORK RELEASE WITH CREST IWA BUILDING WORKER
New Castle County Work Release Center

OTHER:

TIS SENTENCE MODIFICATION PRE-PAROLE CONSIDERATION PARDONS BOARD BOOT CAMP

THE MDT DECISION IS TO:

Approve Not Approve Recommend Approval Not Recommend Approval
 Defer No Action No Objection (LV 4 or Detentioner) Objection (LV4 or Det.)

VOTE: 3 - 0REASON:

- Serious nature of your offense
- Your unsatisfactory/questionable institutional adjustment
- Your lack of program participation
- Your prior failure under supervision
- The lack of evidence that you have addressed your problems in a serious, mature manner.
- The time remaining on your sentence
- You are not eligible due to policy/status
- This does not meet your program needs at this time
- Your need for gradual phasing
- You are already employed in one institution job.
- Other _____

* Filled out
a day a day
AFTER I Was
MOVED

REMARKS:

Unit 6 Administrative Transfer.